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♦Practice Limited to  
Federal Agencies

July 27, 2004

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Commissioner for Patents  
PO Box 1450  
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**Mail Stop Amendment  
Art Unit 1632**

Re: U.S. Utility Patent Application  
Application No. 09/653,277; Filed: August 31, 2000  
For: **Cell-Specific and/or Tumor-Specific Promoter Retargeting of Herpes  
Gamma 34.5 Gene Expression**  
Inventors: Chiocca *et al.*  
Our Ref: 0609.4880002/TJS/KRM

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Amendment and Reply Under 37 C.F.R. § 1.111; and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
July 27, 2004  
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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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KRM/pcd  
Encls.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Chiocca and Chung

Appl. No. 09/653,277

Filed: August 31, 2000

For: **Cell-Specific and/or Tumor-Specific Promoter Retargeting of Herpes Gamma 34.5 Gene Expression**

Confirmation No. 4747

Art Unit: 1632

Examiner: J. Woitach

Atty. Docket: 0609.4880002/TJS/KRM

**Amendment and Reply Under 37 C.F.R. § 1.111**

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In reply to the non-final Office Action dated **April 28, 2004**, Applicants submit the following Amendment and Remarks. This Amendment is provided in the following format:

(A) Each section begins on a separate sheet;

(B) Starting on a separate sheet, amendments to the specification by presenting replacement paragraphs marked up to show changes made;

(C) Starting on a separate sheet, a complete listing of all of the claims:

- in ascending order;

- with status identifiers; and

- with markings in the currently amended claims;

(D) Starting on a separate sheet, the Remarks.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent

abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 19-0036.